

TO AUTHORIZE THE MAYOR OF THE DISTRICT OF COLUMBIA AND THE DIRECTOR OF THE NATIONAL PARK SERVICE TO ENTER INTO COOPERATIVE MANAGEMENT AGREEMENTS FOR THE OPERATION, MAINTENANCE, AND MANAGEMENT OF UNITS OF THE NATIONAL PARK SYSTEM IN THE DISTRICT OF COLUMBIA, AND FOR OTHER PURPOSES

DECEMBER 4, 2017.—Ordered to be printed

Mr. GOWDY, from the Committee on Oversight and Government Reform, submitted the following

REPORT

[To accompany H.R. 2897]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Government Reform, to whom was referred the bill (H.R. 2897) to authorize the Mayor of the District of Columbia and the Director of the National Park Service to enter into cooperative management agreements for the operation, maintenance, and management of units of the National Park System in the District of Columbia, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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COMMITTEE STATEMENT AND VIEWS

PURPOSE AND SUMMARY

H.R. 2897, “To authorize the Mayor of the District of Columbia and the Director of the National Park Service to enter into cooperative management agreements for the operation, maintenance, and management of units of the National Park System in the District of Columbia, and for other purposes,” permits the District of Columbia to expend funds provided for in the District’s budget on parks and green spaces owned by the National Park Service and authorizes the District and the National Park Service to cooperate on the upkeep, maintenance, and enhancement of parks owned by the National Park Service in the District. Such cooperation will help ensure these spaces do not fall into disrepair and are fully utilized by residents and visitors.

BACKGROUND AND NEED FOR LEGISLATION

The District of Columbia has more than 7,600 acres of parks and other open spaces, comprising roughly 20 percent of the District.¹ These parks, which include everything from Rock Creek Park and the National Mall to smaller parcels, such as Franklin Square, provide residents and visitors with outdoor recreational opportunities. Currently, management and responsibility for upkeep of the parks is split between three main groups: the District, the National Park Service, and private groups.

Although parkland in the District of Columbia is split between three entities, it is not an equal distribution. The vast majority of open spaces and parks in the District are owned and managed by the National Park Service. The National Park Service is responsible for more than 6,700 acres, and more than 350 properties.² The National Park Service properties range from those as large as the National Mall to those as small as Dupont Circle.³ The sites owned by the National Park Service in the District must compete for resources with the 84 million acres owned by the National Park Service throughout the United States and its territories.⁴

The National Park Service is currently facing a strain on its resources and consequently has a maintenance backlog as it attempts to maintain the vast acreage under its authority. As a result of this backlog, facilities, such as restrooms and concession stands, on National Park Service owned lands may fall into disrepair, if they exist at all.

In an urban environment, such as the District of Columbia, areas that should be a draw for residents and visitors are often underused or simply avoided. H.R. 2897 addresses the current state of parks owned by the National Park Service in the District by allowing the District to shoulder a portion of the burden for maintaining and modernizing these parks.

Under current federal law, the National Park Service may enter into an agreement with a State or city for the cooperative manage-

¹*About Washington's Parks and Open Spaces*, NATIONAL CAPITAL PLANNING COMMISSION, <https://www.ncpc.gov/DocumentDepot/Publications/CapitalSpace/boutWashingtonParksFinal.pdf> (last accessed November 6, 2017).

²*Id.*

³*Id.*

⁴*National Park Service Frequently Asked Questions*, <https://www.nps.gov/aboutus/faqs.htm> (last visited Aug. 16, 2017).

ment of parks owned by the National Park Service.⁵ H.R. 2897 clarifies that the National Park Service may also enter into such an agreement with the District.

The District expressed interest in funding some of the costs associated with rehabilitating and modernizing parks owned by the National Park Service in the city. Mayor Muriel Bowser set aside \$13.9 million in order to build new facilities in one park, Franklin Square.⁶ In addition, the D.C. Downtown Business Improvement District is reserving \$750,000 annually to operate and maintain the park.⁷ H.R. 2897 provides the authority for the District and the National Park Service to enter into a cooperative agreement to help repair and maintain parks owned by the National Park Service in the District, such as Franklin Square. H.R. 2897 permits cooperation between the two entities to be dictated by the terms of any agreement signed by the District and the National Park Service.

LEGISLATIVE HISTORY

On June 13, 2017, Delegate Eleanor Holmes Norton (D-DC) introduced H.R. 2897, to authorize the Mayor of the District of Columbia and the Director of the National Park Service to enter into cooperative management agreements for the operation, maintenance, and management of units of the National Park System in the District, and for other purposes. H.R. 2897 was referred to the Committee on Natural Resources and the Committee on Oversight and Government Reform. The Committee on Oversight and Government Reform considered H.R. 2897 at a business meeting on July 19, 2017 and ordered the bill reported favorably without amendment, by voice vote.

SECTION-BY-SECTION

Section 1. Authorizing Cooperative Management Agreements between District of Columbia and National Park Service for Operation, Maintenance, and Management of Units of the National Park System in the District of Columbia.

This section authorizes the Mayor of the District of Columbia and the Director of the National Park Service (NPS) to enter into cooperative agreements under section 101703 of title 54, United States Code, for operation, maintenance, and management of units of the NPS in the District, including the design and construction of improvements.

EXPLANATION OF AMENDMENTS

There were no amendments to H.R. 2897 offered or adopted during Committee consideration of the bill.

COMMITTEE CONSIDERATION

On July 19, 2017, the Committee met in open session and, with a quorum being present, ordered the bill favorably reported without amendment, by voice vote.

⁵ 54 U.S.C. § 101703.

⁶ Rachel Chason, *D.C. Asks Congress for Approval to Invest in Franklin Park*, WASH.POST (June 16, 2017).

⁷ *Id.*

ROLL CALL VOTES

There were no roll call votes requested or conducted during Committee consideration of H.R. 2987.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch where the bill relates to the terms and conditions of employment or access to public services and accommodations. This bill would authorize the Mayor of the District of Columbia and the Director of the National Park Service to enter into cooperative management agreements for the operation, maintenance, and management of units of the National Park System in the District, and for other purposes. As such, this bill does not relate to employment or access to public services and accommodations.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goal or objective of this bill is to enable the Mayor of the District of Columbia and the Director of the National Park Service to enter into cooperative management agreements for the operation, maintenance, and management of units of the National Park System in the District.

DUPLICATION OF FEDERAL PROGRAMS

In accordance with clause 2(c)(5) of rule XIII no provision of this bill establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

This bill does not direct the completion of any specific rule makings within the meaning of section 551 of title 5, United States Code.

FEDERAL ADVISORY COMMITTEE ACT

The Committee finds that the legislation does not establish or authorize the establishment of an advisory committee within the definition of Section 5(b) of the appendix to title 5, United States Code.

UNFUNDED MANDATES STATEMENT

Pursuant to section 423 of the Congressional Budget and Impoundment Control Act (Pub. L. 113–67), the Committee has included a letter received from the Congressional Budget Office below.

EARMARK IDENTIFICATION

This bill does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the House of Representatives.

COMMITTEE ESTIMATE

Pursuant to clause 3(d)(2)(B) of rule XIII of the Rules of the House of Representatives, the Committee includes below a cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

NEW BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the House of Representatives, the cost estimate prepared by the Congressional Budget Office and submitted pursuant to section 402 of the Congressional Budget Act of 1974 is as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 16, 2017.

Hon. TREY GOWDY,
Chairman, Committee on Oversight and Government Reform,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2897, a bill to authorize the Mayor of the District of Columbia and the Director of the National Park Service to enter into cooperative management agreements for the operation, maintenance, and management of units of the National Park System in the District of Columbia, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Janani Shankaran.

Sincerely,

KEITH HALL,
Director.

Enclosure.

H.R. 2897—A bill to authorize the Mayor of the District of Columbia and the Director of the National Park Service to enter into cooperative management agreements for the operation, maintenance, and management of units of the National Park System in the District of Columbia, and for other purposes

H.R. 2897 would authorize the District of Columbia to enter into cooperative management agreements (CMAs) with the National Parks Service (NPS) to operate and maintain NPS parks located

within its borders. The NPS uses CMAs to establish cooperative practices, to address the use of shared resources that touch both NPS and state or local lands, and to transfer funds to perform work on such resources. Under current law, state and local governments can enter into CMAs with the NPS. The bill would clarify that the District of Columbia may also enter into such agreements.

CBO estimates that implementing H.R. 2897 would result in no significant cost to the federal government. According to the NPS, any maintenance or repair project affected by a CMA would generally be completed by the NPS whether or not such an agreement is in place. Enacting H.R. 2897 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 2897 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 2897 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Janani Shankaran. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

TITLE 54, UNITED STATES CODE

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SUBTITLE I—NATIONAL PARK SYSTEM

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CHAPTER 1017—FINANCIAL AGREEMENTS

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§ 101703. Cooperative management agreements

(a) IN GENERAL.—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary considers advisable, may enter into an agreement with a State or local government agency to provide for the cooperative management of the Federal and State or local park areas where a System unit is located adjacent to or near a State or local park area, and cooperative management between the Service and a State or local government agency of a portion of either the System unit or State or local park will allow for more effective and efficient management of the System unit and State or local park. The Secretary may not transfer administration responsibilities for any System unit under this paragraph.

(b) PROVISION OF GOODS AND SERVICES.—Under a cooperative management agreement, the Secretary may acquire from and provide to a State or local government agency goods and services to be used by the Secretary and the State or local governmental agency in the cooperative management of land.

(c) ASSIGNMENT OF EMPLOYEE.—An assignment arranged by the Secretary under section 3372 of title 5 of a Federal, State, or local employee for work on any Federal, State, or local land or an extension of the assignment may be for any period of time determined by the Secretary and the State or local agency to be mutually beneficial.

(d) *DEFINITION OF STATE.*—*For the purposes of this section, the term “State” means each of the several States and the District of Columbia.*

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